

UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON 25, D. C.

October 2, 1950

DEPARTMENTAL CIRCULAR NO. 641

TO HEADS OF DEPARTMENTS AND INDEPENDENT ESTABLISHMENTS

SUBJECT: Changes in personnel practices required under section 1302 of the Supplemental Appropriation Act of 1951.

Section 1302 of the Supplemental Appropriation Act, 1951, signed September 27, 1950, provides as follows:

"SEC. 1302. After September 1, 1950, and during the fiscal year 1951:

(a) In making appointments in the government service the Civil Service Commission shall make full use of its authority to make temporary appointments in order to prevent increases in the number of permanent personnel and no employee in the Federal civil service promoted, transferred or appointed to a position of higher grade shall be eligible, in the event of separation from the service through reduction in force, to reinstatement at a grade above the grade held by such employee on September 1, 1950; and all reinstatements, transfers or promotions to positions in the Federal civil service shall be temporary and for positions subject to the Classification Act of 1949 shall be made with the condition and notice to the individual reinstated, transferred or promoted that the classification grade of the position is subject to post-audit and correction by the appropriate departmental or agency personnel office or the Civil Service Commission;

(b) The names of all persons to be terminated under reductions in force in the departments and agencies of the Government shall be certified as eligible for appointment to positions in agency programs determined by the President to be related directly to national defense, if qualified, at not to exceed the grade and salary last held in the terminating agency or department; and

(c) The Department of Defense is authorized to call on other departments or agencies for such additional personnel as it may require within the limits of its funds."

This section requires certain changes in personnel practices in the Federal civil service. The effect of certain provisions of the Act must be determined by the Comptroller General, and other changes in personnel practices,

including some which appear to be desirable in view of the provisions of the law, such as the grant of reemployment rights upon transfer, will require action by the President. Pending such action the following changes in personnel practice in the competitive civil service are to be put into effect immediately.

Certain provisions of the Act relating to inter-agency transfers, reinstatements, and promotions are retroactive to September 2, 1950. Instructions with regard to any necessary retroactive corrections will be issued at a later date.

#### A. Inter-Agency Transfers

Under section 1302 of the Act all transfers by the agencies must be made on a temporary basis beginning September 2, 1950. Accordingly, transfers of status employees by the agencies will now be made as emergency indefinite appointments under section 2.114 (h) of the Civil Service Regulations. The employee will be continued under the retirement system but he will have a temporary appointment in the new agency.

Emergency indefinite appointments in lieu of transfer shall be reported as "temporary appointments (emerg. indef.) nte 6/30/52 (trans. elig.)." The authority box on Form 50 shall show "C. S. Reg. 2.114(h)."

#### B. Reinstatements

In accordance with the requirements of the Act all reinstatements of persons with civil service status beginning September 2, 1950, must be made on a temporary basis. Accordingly, in all cases, persons with competitive status must be given emergency indefinite appointments under section 2.114(h) of the Civil Service Regulations. However appointing officers may make such appointments in lieu of reinstatement, thereby bringing such persons within the provisions of the Civil Service Retirement Act.

When such appointments are in lieu of reinstatement they shall be reported as "temporary appointment (emerg. indef. in lieu of reinstatement) NTE 6/30/52." In such cases the appointees are under the civil service retirement system. When such appointments are not in lieu of reinstatement they shall be reported as "temporary appointment (emerg. indef.-competitive status) NTE 6/30/52." In such cases the appointees are not under the civil service retirement system. The authority box shall show "Civil Service Reg. 2.114 (h)."

#### C. Promotions

In accordance with the provisions of the Act all promotions beginning September 2, 1950, must be made on a temporary basis. This will be indicated by inserting after the word "promotion" on the Standard Form 50, the word "(temporary)." Persons having permanent appointments in the agency will not thereby lose their permanent tenure in the agency and will remain under the Civil Service Retirement Act. The last permanent position held by the employee shall be recorded in his Official Personnel Folder (include title, grade, location, and job description).

D. Other Personnel Changes Within the Agency

The Act has no immediate effect on personnel changes within the agency other than promotions. Further instructions on these matters will be issued at a later date.

E. Original Appointments

The Commission hereby extends to all agencies authority to make emergency indefinite appointments under section 2.114(h) of the Civil Service Commission Regulations.

Such appointments may be made in lieu of probational appointments in all cases where the agency determines that a permanent appointment would result in expansion of the permanent staff of the agency.

Emergency indefinite appointments shall be made from the Commission's registers of eligibles unless there are insufficient available eligibles. Emergency indefinite appointments outside the register must be made under prior authorization of the appropriate office of the Commission unless specifically authorized by an existing agreement.

In issuing certificates for emergency indefinite appointment, the Commission may restrict certification to those eligibles who are immediately available because of residence or other conditions. Any eligible who accepts an emergency indefinite appointment will have his eligibility suspended from the register.

Persons given emergency indefinite appointments do not thereby acquire a permanent civil service status.

Persons serving under emergency indefinite appointments in positions within the scope of the Compensation Schedule of the Classification Act of 1949 are eligible for periodic step increases and additional step increases as rewards for superior accomplishment in accordance with Part 25 of the Civil Service Regulations.

When emergency indefinite appointment is authorized outside the register, preference in appointment shall be given veterans in accordance with the priority system set forth in section 2.114(a) of the Civil Service Regulations.

A medical certificate shall be secured and the appointing officer shall determine that the appointee meets the physical requirements for the position. Where appointment is made from a certificate, objections on physical grounds must be submitted to the Commission's office of jurisdiction. Similarly, reasons for passing over veterans on physical grounds must also be submitted in line with current requirements.

The provisions of the Federal Employees' Loyalty Program will be strictly followed with respect to each emergency indefinite appointment.

Standard Form 61 shall be executed by the appointee in accordance with regular procedure incident to entrance on duty.

Notifications of personnel action Standard Form 50 shall be executed for emergency indefinite employment and shall be processed and submitted to the Commission in accordance with the general instructions for preparing and distributing Standard Form 50 as given in Chapter R1 "Records and Reports" of the Federal Personnel Manual. In connection with appointments the following supplemental instructions shall also be observed:

The nature of action shall be shown as "temporary appointments (emerg. indef.) NTE 6/30/52."

The authority box on the Standard Form 50 shall show "C.S. Reg. 2.114 (h)."

Under remarks shall be included

- (1) "subject to investigation"
- (2) "this appointment does not confer a competitive civil service status."

Each person offered emergency indefinite appointment shall be advised:

That the emergency indefinite appointment does not confer competitive status.

That the emergency indefinite appointment is limited to 6/30/52.

That his appointment is "subject to investigation."

That he is not subject to the Civil Service Retirement Act (except as he may be subject by continuity of service or otherwise -- see Chapter R-5 of the Federal Personnel Manual, Coverage of the Civil Service Retirement Act, and instruction "B. Reinstatements," above.)

Persons given emergency-indefinite appointments are in retention Group B for purposes of reduction in force. They are permanent employees within the meaning of the leave regulations. They are not subject to displacement under section 10.112 of the Civil Service Regulations until such time as the Commission determines that displacement will not interfere with the Defense Program.

Emergency-indefinite appointees may be promoted<sup>1/</sup> or reassigned within the agency subject to the 6 months rule and subject to their being qualified under the appropriate standards of the Commission. Such promotions may be made without regard to the existence of eligible registers.

<sup>1/</sup> NOTE: Question as to the effect of Sec. 1302 of the Act on the reinstatement or promotion to higher grades of employees previously separated by reduction in force have been submitted to the Comptroller General.

Emergency-indefinite appointees have no status for transfer to other agencies. In reporting position changes of emergency-indefinite appointees standard terminology shall be used together with the added statement in each case following the nature of action, "(emerg.-indef.)." Notation "appointment under C.S. Reg. 2.114(h)" shall be entered under "remarks."

F. Effect on Existing Agreements With Specific Agencies for  
Emergency-Indefinite Appointments

Existing agreements with specific agencies relating to emergency-indefinite appointments under section 2.114(h) are continued in effect until further notice except as modified by the provisions herein relating to promotions, reinstatements, transfers, and the expansion of permanent agency staff.



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